

Mr. DEPUTY SPEAKER.—The question is :

“That the Mysore Animal Diseases (Control) Bill, 1959, as passed by the Legislative Council, be passed.”

The motion was adopted

PONNAMPET NOTIFIED AREA COMMITTEE (CONTINUANCE AND VALIDATION) BILL, 1959, AS PASSED BY THE LEGISLATIVE COUNCIL.

Motion to consider

Sri T. SUBRAMANYA (Minister for Local-Self—Government).—Sir, I move :

“That the Ponnampet Notified Area Committee (Continuance and Validation) Bill, 1959, as passed by the Legislative Council, be taken into consideration.”

Mr. DEPUTY SPEAKER.—Motion moved :

“That the Ponnampet Notified Area Committee (Continuance and Validation) Bill, 1959, as passed by the Legislative Council, be taken into consideration.”

† Sri T. SUBRAMANYA.—It is a very simple Bill. The term of the Ponnampet Notified Area Committee expired on the 23th July 1958. Then elections were ordered to be held in the month of June 1958 and calendar was issued. Because the returning officer did not scrutinise the various nomination papers he simply adjourned it. It was examined and elections were completed after appointing a fresh returning officer. A higher officer was appointed and the elections were completed before 30th of September 1958. For two months and 4 days, the Council and the President continued in office, even without an extension order being passed by the Government. According to the Coorg Municipality Act, Government has no power to extend the term of office of any Municipality. The matter was brought to the notice of the Government just at the time when 2 months and 4 days were over. Then we did not want to pass any ordinance. Therefore, this Bill is brought to validate all the acts done by the President and the Council for 2 months and 4 days. We did not want to issue any ordinance; there was no hurry about it because they were already in office under the order of the Deputy Commissioner. We brought a Bill and got it ratified by the Legislative Council. Therefore, there is no lapse on the part of the Government. The Council never met and no meeting was held. Though they were in office, they carried on only the day to day administration. In order to

(Sri T. SUBRAMANYA)

validate the acts done by the President, this Bill is brought. It is accepted by the Legislative Council and I request the Hon'ble Members here also to accept it and validate all the acts.

†Sri J. B. MALLARADHYA.—Sir, it requires no small courage on the part of any Minister of any Government to bring such a legislative measure. I think, Mysore has beaten all records for absolute want of good faith, want of vigilance and callousness and worst type of administration. I do not understand the complacent mood in which the Hon'ble Minister for Local Self-Government pilots this Bill and says that there is no lapse in bringing this Bill. I will come to the details of the Bill later.

Sir, it is not even three months since the Assembly met. The Government brought the University Bill to validate all the illegal acts of the Vice-Chancellor who conducted the elections contrary to the University Act. Elections to the Graduate Constituency had to be held according to some section of the Act. He did not conduct the elections according to that. Here is a Government which brings a legislation to validate such acts done. This is another instance where we are required to validate all the illegal acts done by the President of a Municipality. I know the Legislature has got enormous powers and they can validate anything done. But my question is, should the legislature go on validating whatever illegal acts done by any department or any Government? Will we be doing just in giving our consent to such measures?

Sri T. SUBRAMANYA.—You validated that; you validate this also,
(Laughter)

Sri J. B. MALLARADHYA.—Sir, it raises a very fundamental issue. Supposing the Government does certain things due to emergency. If it is something which is not contrary to law, you issue an ordinance and you make it a law in course of time. But, here is something which has been done contrary to law and which is illegal. Is it your case to validate such things?

Sri T. SUBRAMANYA.—Yes; that is my case. (laughter)

Sri J. B. MALLARADHYA.—Sir, I cannot persuade myself to this. Somehow or other, I am very apprehensive of such a thing.

Sri T. SUBRAMANYA.—You have done it.

Sri J. B. MALLARADHYA.—Sir, It is my misfortune to be in minority.

Sri T. SUBRAMANYA.—The Leader of the Opposition and myself need not exchange mutual compliments.

†Sri J. B. MALLARADHYA.—I am prepared ; I am not afraid of it. The point is, it looks as if there was a complete break down of the governmental machinery during the time covered by this piece of legislation. Sir, there must have been a Deputy Commissioner, who according to the erstwhile Mysore Act, was the Chief Controlling Officer of all the local bodies in the State. When a certain election of the Coorg Municipality was to be held on a particular day, it should have been held. According to the Coorg notified election rule, the Hon'ble Minister says, the State Government did not have the power to extend. In the election rule it is very clear that election should be completed not later than 15 days before the expiry of the term of office of the members of the Committee as fixed under sub-rule (1). If there was a governmental machinery, they should have followed the calendar of events whoever was the Sub-Division Officer or the President of the Municipality. So, at the district level, at the municipality level there was break down of the administrative machinery. What was the Secretary to the Local Self-Government doing? The other thing is, the President himself knew I do not know whether he was an illiterate President or a President who was irresponsible—that he had to vacate the office on the 24th July according to the constitution of the Committee. I do not know why he even did not bring it to the notice of the Deputy Commissioner. When the President retires and vacates the office, he hands over the charge to the Deputy Commissioner or the Tahsildar. I do not know why he has not done it. Further the Hon'ble Minister was pleased to say that during this interval of 2 months and 4 days the usual routine work was done and no expenditure was incurred.

Sri T. SUBRAMANYA.—I did not say expenditure ; the Members of the Committee did not meet.

Sri J. B. MALLARADHYA.—What happened in that interval?

Sri T. SUBRAMANYA.—The President carried on the administration.

Sri C. M. ARUMUGHAM.—Did the Minister for Local Self-Government back the President of the Municipality in this?

(laughter)

Sri T. SUBRAMANYA.—I am backing him now ; not then.

(laughter)

Sri J. B. MALLARADHYA.—Sir, there was no legal existence or the legal continuance of that Committee. Anything done during that interval of 2 months 4 days is absolutely illegal. For all purposes, that municipality was dead ; the President and the Vice-President had reached the heaven. How can you give them life unless the Hon'ble Minister for Local Self-Government has some kind of power to bring back to life people who are dead and gone to heaven. (laughter)

Sri T. SUBRAMANYA.—That power, I want from you.

Sri J. B. MALLARADHYA.—The whole thing looks ridiculous.

Sri T. SUBRAMANYA.—Anyway, I want you to know that there is no bad faith.

Mr. DEPUTY SPEAKER.—The House will now rise and meet tomorrow at 1 P. M.

The House adjourned at Thirty Minutes past Four of the Clock to meet again at One of the Clock on Thursday, the 20th July 1961.
